

REMARKS

Claims 1-8, all the claims pending in the application, were rejected and Applicants responded to the rejection by amendment of claims 1, 3, 4, 6 and 7, cancellation of claim 2, and supporting argument.

Telephone Interview

The Examiner called the Applicants' representatives to advise that the listing of the claims in the Amendment filed on November 26, 2008 did not take into consideration the Examiner's Amendment that had been entered in the Notice of Allowability that accompanied the Notice of Allowance dated April 14, 2008. The Examiner also questioned a comment made by the Applicant with regard to the Namco prior art reference with respect to a part of the character remaining stationary or restricted, based on the partial translation of the reference submitted by the Applicant in an IDS dated May 15, 2008.

The Examiner has confirmed the telephone call in a paper mailed on February 20, 2009.

Claim Amendments

Subsequent to the mailing of the Notice of Allowance and the accompanying Notice of Allowability, in which claims 6, 7 and 8 were amended by Examiner's Amendment, an RCE was filed on May 15, 2008 in order to permit consideration of new prior art. Thereafter, an Office Action dated July 28, 2008 was issued rejecting all of the claims then pending in the Application. The Amendment Under 37 C.F.R. § 1.111 was filed on November 26, 2008.

The present Amendment presents claims 6, 7 and 8 as they should have been presented in the Amendment filed on November 26, 2008. Thus, at least claims 6 and 7 are designated as "previously presented." The corrections are not shown by underscoring or strike out.

As to claim 8, Applicants noted certain grammatical issues in claim 8, as amended by the Examiner's Amendment. These errors now have been corrected, and this claim is designated as "currently amended" with respect to these new changes. Entry is respectfully requested.

Namco Reference Teachings

The Examiner notes that the comments made by Applicants at the bottom of page 6 of the Amendment filed on November 28, 2008 stated that

Notably, in the description provided in Namco, there is no teaching or suggestion that a *part of the character* would remain stationary or restricted, as set forth in original claim 2 and now set forth in amended claim 1. The absence of this capability means that the fighter 56 in Namco cannot give a realistic appearance when engaged in combat during the game. This provides a significant disadvantage. (emphasis in original)

However, the Examiner further notes that the partial translation, which was provided by Applicants in the IDS submitted on May 15, 2008, states at paragraph 2 with regard to Fig. 21 and the text at page 16, lines 30-39 of the translation, that

When the attack instruction signal is being inputted by attack button (66), the attack direction for the weapon is changed on the basis of the direction instruction signal while restricting the movement of the game character based on the direction instruction signal.” (emphasis added)

When distinguishing the movement in NAMCO from that of the present invention, Applicants noted that

As explained at pages 9-10 with regard to Fig. 3, during an attack when the auxiliary button R2 is depressed, the game character 100 moves its *upper body*, while the *lower half of the body is kept stationary*, and the *attack means (gun 101 barrel) changes in response thereto* when the direction key 34 is depressed. Thus, there is no movement of the entire character, and only a change in a part of the character occurs. (emphasis added)

Translation is of Examiner Comment NOT Namco

First, Applicants wish to note that the document attached to the IDS filed on May 15, 2008 is a translation of a portion of the Chinese Office Action and NOT a translation of any part of JP2000-61142A.

Translation of Namco Now Provided

Applicants are reproducing below a partial English language translation of Namco's Fig. 21, which reads as follows:

In Fig. 21(A) and (B), the attack range is controlled according to whether 3D lever is pulled upwards or pushed down. That is, as shown in Fig. 21(A), when the attack button 66 is pressed while pushing down the 3D lever 60, the attack range of the fighter aircraft 56 will become large (the attack range may be made narrow). On the other hand, as shown in Fig. 21(B), when the attack button 66 is pressed while pushing down* the 3D lever 60, the attack range of the fighter aircraft 56 will be come narrow (the attack range may be made large). Thereby, one-point intensive attack etc. are attained. (*actually should be "pushing up").

From the translation and the illustration in the Figures, it would be clear that the arrow (56) is representative of a fighter aircraft. The aircraft is shown in a simple manner as arrow 56 but clearly gives a third person's view of the game activity as the aircraft is controlled. From the foregoing translation, it also is clear that there is no teaching or suggestion that the display of the fighter aircraft 56 is either partially stationary or restricted, or even totally stationary or restricted. The fighter aircraft necessarily moves freely on the screen during the attack, as would be understood by anyone skilled in the game art, though that is not expressly stated. It would defy common sense to have a fighter aircraft stationary during game play.

Chinese Examiner Argument is NOT a Teaching

The Chinese Examiner appears to have asserted that the phrase "the attack range of the fighter aircraft 56 will become narrow" as meeting the claim language "restricting the movement of the game character." Clearly, this cannot be a proper interpretation, on the basis of the disclosed environment and game features in Namco. Such argument is not a teaching of the Namco reference.

Applicants' Previous Argument Regarding Claim Language is Accurate

The intention of the comments in the amendment previously submitted by Applicants was to emphasize that in the present invention the upper body of the character is moved, thus resulting in the weapon moving, while the lower part is stationary. This is very realistic. By contrast, Applicants submit that in NAMCO, the entire arrow symbol 56 moves and is never stationary. Moreover, there is no teaching or suggestion that the arrow can be divided into (1) a part that is moveable and (2) a part that is fixed.

Thus, the statement that “Notably, in the description provided in Namco, there is no teaching or suggestion that a *part of the character* would remain stationary or restricted,” is accurate. Moreover, it captures the feature of the invention in providing a realistic action to the character and is a basis for distinguishing over the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,
/Alan J. Kasper/

Alan J. Kasper
Registration No. 25,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 6, 2009